IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27000 of 1999

DATED: 24.1.2007

Between:

Md. Kalleemullah **petitioner**

And

The A.P. Power Generation Corporation ltd
Rep by its Chief Engineer, O & M,
K.T. P.S., Palvoncha, Khammam and ors **Respondents**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 27000 OF 1999

ORAL ORDER:

This writ petition is filed questioning the proceedings dated 28.10.1999 rejecting the claim of the petitioner for appointment in terms B.P. Ms. No. 36, dated 18.5.997, as illegal and arbitrary.

The petitioner claims that he worked as Casual Labour in the respondent organization from 2.6.1980 to 5.7.1980 for 33 days and again from 6.7.1980 to 20.9.1980 for 74 days, and that he is eligible for absorption in terms of B.P. Ms No. 36 dated 18.5.1997. The petitioner, earlier questioning the action of the respondents in not considering his case for absorption in terms of B.P. Ms. No. 36, dated 18.5.1997, filed W.P. No. 14715 of 1999, and this Court by order dated 16.7.1999 disposed of the same directing the respondents to consider the case of the petitioner for absorption. In terms of the said orders of this Court, the respondents considered the case of the petitioner and vide proceedings dated 11.8.1999 rejected the case of the petitioner as he has not put in sufficient number of man days. Questioning the said proceedings, the petitioner again filed W.P. No. 18993 of 1999, and this Court by order dated 15.9.1999 disposed of the writ petition directing the respondents to consider the matter afresh. In terms of the said orders of this Court dated 15.9.1999, the respondents again reconsidered the case of the petitioner, and rejected his case vide orders dated 28.10.1999 on the ground that the second service certificate produced by him is not genuine and that he has put in only

17 man days. Aggrieved by the said rejection orders, the petitioner filed the present writ petition.

A counter affidavit is filed by the respondents stating that on 10.2.1999 during the course of service verification, the petitioner was unable to tell the names of the foreman, co-workers etc., and under whom he worked. A report was called from the then Assistant Divisional Engineer/B.M/KTPS under whom the petitioner claimed to have worked to verify the genuineness of the service certificate. The report revealed that the second service certificate submitted by the petitioner is fabricated one. In the report it is specifically stated by the Assistant Divisional Engineer that the Certificate No.2 submitted by the petitioner for the period 6.7.1980 to 20.9.1980 was not issued by him and the same is a fabricated one. However, it is admitted that the service certificate produced by the petitioner for the period 2.6.1980 to 5.7.1980 is in order. It is specifically stated that upon verification of the records available with them and upon considering the report of the Assistant Divisional Engineer/B.M./K.T.P.S., it was found that the petitioner's claim is not genuine, and as such, his case for absorption was rejected by the impugned proceedings.

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents and perused the material available on records.

The contention of the petitioner that the respondents while rejecting his case have not verified the records properly cannot be accepted. The impugned order, enumerates the grounds on which the case of the petitioner was rejected. The impugned order states that the service certificate No.2 (6-7-80 to 20-9-80) is not genuine as it does not contain the seal of the officer who issued it, and that the SE/O&M/A, who got the records verified found in his report that for the period from

6-7-80 to 20-9-80, the name of the petitioner was not found in the list of casual labourers engaged by him, and that the petitioner himself has accepted in writing when the connected record was shown to him on 10-2-99. The petitioner having perused the record and having accepted in writing that his name was not found in the list of casual labourers engaged by the SE/O&M/A during the relevant period, now cannot contend that the respondents have not verified the records properly. When the petitioner failed to establish that he has put in the required number of man days, as required by B.P. Ms No. 36 dated 18.5.1997, for absorption/regularization, he cannot contend that he was discriminated.

In the above view of the matter, no interference is called for with the impugned order passed by the respondents rejecting the case of the petitioner for absorption/regularization of his services.

There are no merits in the writ petition, and the same is accordingly dismissed. No costs.

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N.V.RAMANA,J

DATE: 24.1.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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